UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,284	01/03/2002	Peter Kotsinadelis	4366-47	6822

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>78-80,83-86 and 97-104</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>78-80,83-86 and 97-104</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the office action from 11/7/2006, the applicant has submitted an

amendment, filed 1/3/207, amending claims 78-79, 83-84, while canceling claims 87-96, adding

claims 97-104, and arguing to traverse the art rejection based on the limitation regarding the use

of embedded macros for security *(Amendment, Pages 10-11)*. The applicant's arguments have

been fully considered but are moot with respect to the new grounds of rejection in view of

Firman *(U.S. Patent: 5,377,303)*.

2.   In light of the amendment of claim 79 and the cancellation of claims 87-96, the examiner

has withdrawn the previous objection directed towards minor informalities.

3.   In light of the cancellation of claim 92, the examiner has withdrawn the previous 35

U.S.C. 112, first paragraph rejection directed towards a lack of written description.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

5.   **Claims 98-104** are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 98 is drawn to a system server for executing voice macroinstructions featuring a

voice agent, voice portal component, and processor. In order for a claimed invention to be

considered statutory under 35 U.S.C. 101, it must be useful and accomplish a practical

application. That is, it must produce a "useful, concrete and tangible result" *(State Street, 149*

F.3d at >1373-74<, 47 USPQ2d at 1601-02). In this case, the final result of receiving a second

voice command and executing a macro corresponding to the second voice command is directed

to non-statutory subject matter because the claimed processor is not required to produce *(i.e.,*

does not actively produce) the tangible result *(i.e., the received and executed second voice*

command) since it is merely "operable" to do so. Claims 99-104 further limit a rejected

independent claim, and thus, are also directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 78, 83-86, and 97** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lucas et al *(U.S. Patent: 6,834,264)* in view of Firman *(U.S. Patent: 5,377,303)*.

With respect to **Claim 78**, Lucas discloses:

Receiving, from a user, a first voice command associated with at least a first

macroinstruction *(first spoken command associated with a voice macro, Col. 7, Lines 49-62)*;

In response to receiving the first voice command, prompting the user for a second voice

command *(system prompt issued after receiving a first voice command associated with a*

macroinstruction, Col. 7, Lines 49-62);

Thereafter receiving, from the user, the second voice command *(second spoken command*

associated with a voice macro, Col. 7, Lines 49-62); and

In response to receiving the second voice command, executing the at least a first

macroinstruction *(carrying out a macroinstruction upon reception of the second voice command,*

Col. 7, Lines 49-62).

As noted above, Lucas discloses embedding a second voice command within a first voice

macroinstruction that is required to be input before the macro is executed. In the case of Lucas,

however, this second voice command is related to a first voice macroinstruction and not a

different macroinstruction that is embedded within the first macroinstruction for security.

Firman, however, discloses the ability to assign different macros to any of a plurality of voice

commands (Col. 7, Lines 3-25 and Col. 8, Lines 21-42) that are structured according to a

hierarchy, wherein first utterance commands link to lower hierarchy level commands that can

only be accessed if a first command is received, thus, restricting the use of second (lower

hierarchy level) macros unless a higher hierarchy voice command is received *(Col. 8, Line 56-*

Col. 9, Line 17).

Lucas and Firman are analogous art because they are from a similar field of endeavor in

voice macro commands. Thus, it would have been obvious to a person of ordinary skill in the

art, at the time of invention, to modify the teachings of Lucas with the voice macro command

hierarchy as taught by Firman in order to enable users to personally configure language

commands to achieve a desired format *(Firman, Col. 9, Lines 3-17)*.

With respect to **Claim 83**, Firman further recites:

The first macroinstruction is added before the second macroinstruction and wherein the

first macroinstruction is executed prior to the second macroinstruction *(first macro command*

added first to a hierarchy list and executing a first, higher level macro command that opens a

subsequent second possible voice macro, Col. 8, Line 56- Col. 9, Line 17).

With respect to **Claim 84**, Firman further recites:

Providing results of the first macroinstruction to the user prior to executing the second

macroinstruction *(example of displaying a file menu according to a first voice macro prior to*

executing second voice macros specific to a lower level in the hierarchy, Col. 8, Line 56- Col. 9,

Line 17).

With respect to **Claim 85**, Lucas further recites a voice recognition engine that monitors

all input speech commands for a "sub" macro identifier *(VR engine, Col. 10, Lines 17-50; and*

"sub" macro identifier, Col. 7, Lines 10-62).

With respect to **Claim 86**, Lucas further recites:

A computer readable medium comprising executable instructions operable to perform the

method of claim 78 *(Col. 19, Lines 1-5)*.

With respect to **Claim 97**, Lucas discloses the step of prompting a user for and

recognizing a second voice command after a first voice command is received as applied to Claim

78, while Firman discloses the command hierarchy that restricts execution of a lower level voice

macro unless a higher level voice macro has been first received, as applied to Claim 78.

8.   **Claims 79-80** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas et al

in view of Firman and further in view of De Armas et al *(U.S. Patent: 5,873,064)*.

With respect to **Claim 79**, Lucas in view of Firman recites the method capable of

restricting the use of a lower level voice macro based on a command hierarchy, as applied to

Claim 78. Lucas in view of Firman does not explicitly disclose that a third instruction may be

invoked in response to the reception of the first two commands without receiving the

corresponding third voice command, however De Armas discloses a system capable of linking

additional instructions to voice commands corresponding to a first macroinstruction *(such as a*

second spoken command in the case of Lucas), which can be carried out without speaking the

corresponding voice commands *(Col. 11, Lines 26-51)*.

Lucas, Firman, and De Armas are analogous art because they are from a similar field of

endeavor in systems utilizing voice-enabled macro commands. Thus, it would have been

obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings

of Lucas in view of Firman with the macro linking method taught by De Armas in order to

further minimize the number of articulations necessary for action implementation *(De Armas,*

Col. 2, Lines 45-47).

With respect to **Claim 80**, Lucas further recites:

Comparing at least one of the first and second voice commands with a macrolibrary containing a listing of voice commands are corresponding macroinstructions *(speech recognizer vocabulary, Col. 10, Lines 17-50)*.

9.   **Claims 98 and 101-104** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas et al in view of Firman and further in view of Bryan et al *(U.S. Patent: 6,658,414) (cited in PTO-892 from 12/22/2004)*.

With respect to **Claim 98**, Lucas recites:

A voice agent operable to configure a first and second voice command, wherein a first macroinstruction corresponds to the first voice command and wherein a macroinstruction corresponds to the second voice command, wherein the second voice command is embedded within the first voice command *(macro tool that allows the embedding of a second voice command within a first voice command corresponding to a macroinstruction, Col. 7, Lines 10-62)*;

A voice portal component operable to detect and compare voice signal patterns to predetermined voice signal patterns associated with the first and second voice commands *(voice recognition engine, Col. 3, Lines 17-62)*; and

A processor operable to determine that the first voice command has been received and in response to receiving the first voice command generate a prompt for the second voice command, and determine that the second voice command has been received and in response to receiving the second voice command execute at least the macroinstruction *(processing means for issuing a system prompt for a second voice command after receiving a first voice command associated*

with a macroinstruction and executing a macroinstruction upon reception of the second voice

command, Col. 7, Lines 49-62).

As noted above, Lucas discloses embedding a second voice command within a first voice

macroinstruction that is required to be input before the macro is executed. In the case of Lucas,

however, this second voice command is related to a first voice macroinstruction and not a

different macroinstruction that is embedded within the first macroinstruction for security.

Firman, however, discloses the ability to assign different macros to any of a plurality of voice

commands (Col. 7, Lines 3-25 and Col. 8, Lines 21-42) that are structured according to a

hierarchy, wherein first utterance commands link to lower hierarchy level commands that can

only be accessed if a first command is received, thus, restricting the use of second (lower

hierarchy level) macros unless a higher hierarchy voice command is received *(Col. 8, Line 56-*

Col. 9, Line 17).

Lucas and Firman are analogous art because they are from a similar field of endeavor in

voice macro commands. Thus, it would have been obvious to a person of ordinary skill in the

art, at the time of invention, to modify the teachings of Lucas with the voice macro command

hierarchy as taught by Firman in order to enable users to personally configure language

commands to achieve a desired format *(Firman, Col. 9, Lines 3-17).*

Lucas in view of Firman do not specifically disclose system implementation at a network

voice server, however Bryan recites a user voice portal utilizing voice macros stored on a

network server *(Col. 7, Line 42- Col. 8, Line 5; and Col. 9, Lines 15-22).*

Lucas, Firman, and Bryan are analogous art because they are from a similar field of

endeavor in voice macro commands. Thus, it would have been obvious to a person of ordinary

skill in the art, at the time of invention, to modify the teachings of Lucas in view of Firman with the voice portal server taught by Bryan in order to allow a user to utilize the spoken macros taught by Lucas in view of Firman to access Internet information *(Bryan, Col. 1, Lines 15-21)*.

With respect to **Claim 101**, Lucas discloses executing a first macroinstruction upon the reception of first and second voice commands *(Col. 7, Lines 49-62)*.

With respect to **Claim 102**, Firman further recites:

The first macroinstruction is added before the second macroinstruction and wherein the first macroinstruction is executed prior to the second macroinstruction *(first macro command added first to a hierarchy list and executing a first, higher level macro command that opens a subsequent second possible voice macro, Col. 8, Line 56- Col. 9, Line 17)*.

With respect to **Claim 103**, Firman further recites:

Providing results of the first macroinstruction to the user prior to executing the second macroinstruction *(example of displaying a file menu according to a first voice macro prior to executing second voice macros specific to a lower level in the hierarchy, Col. 8, Line 56- Col. 9, Line 17)*.

With respect to **Claim 104**, Lucas further recites a voice recognition engine that monitors all input speech commands for a "sub" macro identifier *(VR engine, Col. 10, Lines 17-50; and "sub" macro identifier, Col. 7, Lines 10-62)*.

10.   **Claims 99-100** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas et

al in view of Firman in view of Bryan et al and further in view of De Armas et al *(U.S. Patent:*

5,873,064).

With respect to **Claim 99**, Lucas in view of Firman and further in view of Bryan recites

the voice portal server capable of restricting the use of a lower level voice macro based on a

command hierarchy, as applied to Claim 98. Lucas in view of Firman and further in view of

Bryan does not explicitly disclose that a third instruction may be invoked in response to the

reception of the first two commands without receiving the corresponding third voice command,

however De Armas discloses a system capable of linking additional instructions to voice

commands corresponding to a first macroinstruction *(such as a second spoken command in the*

case of Lucas), which can be carried out without speaking the corresponding voice commands

(Col. 11, Lines 26-51).

Lucas, Firman, Bryan, and De Armas are analogous art because they are from a similar

field of endeavor in systems utilizing voice-enabled macro commands. Thus, it would have been

obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings

of Lucas in view of Firman and further in view of Bryan with the macro linking method taught

by De Armas in order to further minimize the number of articulations necessary for action

implementation *(De Armas, Col. 2, Lines 45-47)*.

With respect to **Claim 100**, Lucas further recites:

Comparing at least one of the first and second voice commands with a macrolibrary

containing a listing of voice commands are corresponding macroinstructions *(speech recognizer*

vocabulary, Col. 10, Lines 17-50).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

Has et al *(U.S. Patent: 6,230,137)-* discloses a system for executing speech commands

that requires a specific utterance sequence defined by a menu tree in order to execute speech

commands.

Lustgarten et al *(U.S. Patent: 6,389,398)-* Discloses a system that allows a user to record

a specific navigation path using a sequence of voice commands.

Rodriguez et al *(U.S. Patent: 6,889,191)-* teaches a method that allows a user to

associate multiple actions with a specific sequence of voice command keywords.

Kaufholz *(U.S. Patent: 7,050,971)-* teaches a speech recognition system having a

prescribed hierarchy sequence of commands.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632.

The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard can be reached at (571) 272-7603. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
2/28/2007

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER